

## Message Text

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ORIGIN DRC-01

INFO OCT-01 NEA-10 ISO-00 L-03 /015 R

DRAFTED BY FADRC/DR:FMMACHAK:LB  
APPROVED BY O/FADRC:JSRUDEN  
L/M:TJRAMSEY  
NEA/IRN:CWNAAS

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P 112119Z NOV 77  
FM SECSTATE WASHDC  
TO AMEMBASSY TEHRAN PRIORITY

UNCLAS STATE 270695

E.O. 11652:N/A

TAGS:AINF

SUBJECT:PRIVACY ACT REQUEST OF NASSAR AFSHAR

REF: (A) TEHRAN 9622, (B) STATE 259045, (C) 76 STATE 183386,  
(D) 76 TEHRAN A-143, (E) TEHRAN A-139

1. DEPARTMENT APPRECIATES POST'S EFFORTS TO CLARIFY PROCESSING OF NASSAR AFSHAR PRIVACY/FOIA REQUESTS. DEPARTMENT IS PREPARING AFFIDAVIT ANSWERING PLAINTIFF'S QUESTIONS BASED UPON REFTEL (A) AND OUR KNOWLEDGE OF STANDARD PROCEDURES AT POST. DEPARTMENT OF JUSTICE HOPES TO REQUEST SUMMARY JUDGMENT WITH THIS AFFIDAVIT AND REACH FINAL DISPOSITION OF THIS CASE.
2. WE APOLOGIZE FOR BELABORING POST TO PROVIDE DETAILED ACCOUNTING OF POST'S HANDLING OF AFSHAR REQUEST AND POST'S HANDLING OF OTHER EMBASSY RECORDS. HOWEVER, JUSTICE HAS EMPHASIZED TO DEPARTMENT OFFICIALS IMPORTANCE OF ANSWERING INTERROGATORIES WITH SUCH SPECIFIC AND DIRECT ANSWERS THAT UNCLASSIFIED
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- THEY CAN BE UNDERSTOOD BY PERSONS UNFAMILIAR WITH DEPARTMENTAL PROCEDURES AND COMPLEX RECORD-KEEPING PRACTICES.
3. IN READING REFTEL (A), JUSTICE RAISED FOLLOWING QUESTIONS WHICH POST IS REQUESTED TO ANSWER AS COMPLETELY AS POSSIBLE. WE BELIEVE WE KNOW MOST OF THE ANSWERS, AND THAT ALTHOUGH THEY ARE NOT SPECIFICALLY STATED IN REFTEL

(A), THEY ARE IMPLIED. HOWEVER, DEPARTMENT NEEDS ABSOLUTE CLARIFICATION FROM POST OF THESE ISSUES:

(I) IN RESPONSE TO REFTEL C, DID EMBASSY TEHRAN SEARCH CHRON FILES FOR INFORMATION PERTAINING TO MR. AFSHAR?

(II) ASSUMING THAT THE ANSWER TO QUESTION (I) IS "NO", IS IT ACCURATE TO STATE THAT EVERY DOCUMENT IN THE CHRON FILES IS DUPLICATED IN ANOTHER EMBASSY STATE DEPARTMENT FILE?

(III) WHAT IS THE VOLUME OF EMBASSY CHRON FILES?

(IV) HOW DIFFICULT WOULD IT HAVE BEEN TO SEARCH CHRON FILES?

(V) WHAT ARE THE EMBASSY'S RESOURCES FOR SEARCHING THE CHRON FILES, I.E. HOW LARGE IS THE EMBASSY STAFF WHICH WOULD CONDUCT SUCH A SEARCH?

(VI) IN REFTEL (A), EMBASSY STATES: "EXCEPT FOR MATERIAL RETAINED IN AFSHAR FILE IN POLITICAL SECTION FROM EARLIER YEARS, ALL FILES FOR YEARS 1973 AND PREVIOUSLY WERE DESTROYED AFTER THREE YEARS IN ACCORDANCE WITH STANDARD PROCEDURES. IN THIS RESPECT IT IS CONCEIVABLE THAT, BUT UNKNOWN WHETHER, THERE MAY HAVE BEEN MATERIAL RELATING TO AFSHAR IN OTHER EMBASSY NON-POLITICAL FILES THAT MAY HAVE UNCLASSIFIED

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BEEN ROUTINELY DESTROYED OR RETIRED." DOES THIS SECOND SENTENCE OF PRECEEDING STATEMENT ALSO REFER ONLY TO FILES FOR YEARS 1973 AND PREVIOUS?

(VII) REFTEL (A) DID NOT SPECIFICALLY ADDRESS PARA 5 OF REFTEL (B) WHICH NOTED THAT POSSIBILITY EXISTS THAT PLAINTIFF'S ATTORNEY WILL REQUEST THAT COURT AUTHORIZE HIS TRAVEL TO TEHRAN TO DEPOSE APPROPRIATE EMBASSY OFFICIAL AND OBTAIN DISCOVERY ORDER FOR POST RECORDS. DEPARTMENT, THEREFORE, NEEDS FINAL ASSURANCE THAT ALL DOCUMENTS UNDER STATE CONTROL ON AFSHAR, THE IRAN FREE PRESS, AND THE COMMITTEE FOR FREE IRAN HAVE BEEN RETRIEVED AND FORWARDED TO DEPARTMENT. WERE ALL SUCH DOCUMENTS SENT TO DEPARTMENT UNDER REFTELS (D) AND (E)?

4. DEPARTMENT APPRECIATES POST'S EFFORTS AND PROMPT RESPONSES TO PREVIOUS REFTELS. AGAIN REQUESTING EMBASSY'S RESPONSE ASAP. VANCE

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## Message Attributes

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